

94-129

**From:** <ASGonzalez@tribune.com>  
**To:** A4.A4(fccinfo),FCCMAIL.SMTPNLM("slamming@comments....  
**Date:** 9/15/97 3:53pm  
**Subject:** HELP!

Please help me.

I was slammed by Sprint last Fall and I am still suffering from the whole horrible incident. I am having to pay money that I KNOW I do not owe and I am not a rich person.

I just met with an attorney today to see if I can get a demand letter out to Sprint and AT&T for damages. Both my attorney and I are trying to find as much information as possible that we can use on our side, including any laws, etc.

Can you help me? Please e-mail me back and let me know.

Thanks!

DOCKET FILE COPY ORIGINAL

RECEIVED

SEP 15 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

2

94-129

**From:** <smiller@psc.state.md.us>  
**To:** FCCMAIL.SMTPNLM("slamming@comments.fcc.gov")  
**Date:** 9/15/97 9:54am  
**Subject:** CC Docket No. 94-129 - Exact Copy of Slamming Comments

Attached is an exact copy of the formal comments filed by the Maryland Public Service Commission. My mailing address is

Susan Stevens Miller  
Maryland Public Service Commission  
6 St. Paul Street  
Baltimore, Maryland  
21202

DOCKET FILE COPY ORIGINAL

RECEIVED

SEP 15 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

No. of Copies rec'd  
List ABCDE

2

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	*	
	*	
Implementation of the Subscriber Carrier	*	
Selection Changes Provisions of the	*	CC Docket No. 94-129
Telecommunications Act of 1996	*	
	*	
Policies and Rules Concerning	*	
Unauthorized Changes of Consumers'	*	
Long Distance Carriers	*	

---

**I. INTRODUCTION**

On February 8, 1996, the Telecommunications Act of 1996 ("1996 Act") was signed into law by President Clinton. This landmark legislation establishes a framework for Federal and State cooperation to facilitate the transition to competition throughout the telecommunications industry. Section 258 of the 1996 Act prohibits a telecommunications carrier from submitting or executing a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with the Federal Communications Commission's ("FCC" or "Commission") verification procedures. Any carrier who violates these procedures and collects charges for telecommunications service from a subscriber after such a violation shall be liable to the subscriber's properly authorized carrier for all charges collected.

**MDPSC COMMENTS; 9/15/97**

**pg .2**

Pursuant to the mandate, the FCC issued a Further Notice of Proposed Rulemaking ("NPRM") on July 14, 1997. The FCC seeks comment on (1) whether the verification

procedures adopted in its 1995 Report and Order should apply to all telecommunications carriers; (2) rules that should apply when carriers solicit subscribers regarding preferred carrier freezes; (3) whether the "welcome package" is a viable and necessary carrier charge verification option; (4) the costs and benefits of in-bound customer verification; (5) various liability issues in light of the 1996 Act; and (6) whether the FCC should establish a "bright line" evidentiary standard for determining whether a subscriber has relied on a resale carrier's identity of its underlying facilities-based network provider, thus requiring a resale carrier to notify the subscriber if the underlying network provider is changed.

While Section 258 provides that telecommunications carriers shall adhere to the FCC's verification procedures, it also provides that "nothing in this section shall preclude any State commission from enforcing such provisions with respect to intrastate services." Where a State chooses to enforce the anti-slamming provisions of the 1996 Act, the FCC should not preempt such State efforts. The FCC should recognize State jurisdiction and authority over intrastate telecommunications services and clearly reflect such a policy in its rules. The Maryland Public Service Commission respectfully submits these comments addressing only the dispute resolution component of the NPRM.

**MDPSC COMMENTS; 9/15/97**

**pg. 3**

## **II. DISCUSSION**

In Paragraph 31, the FCC states:

We also propose to require that, in the event of disputes between carriers under these liability provisions, the carriers involved in such disputes must pursue private settlement negotiations

regarding the transfer of charges and the value of lost premiums from the unauthorized carrier to the properly authorized carrier **prior to petitioning the Commission to make a determination.**  
(Emphasis Added)

Where the dispute involves two local exchange carriers, or the slamming of a local exchange service, the State commission and not the FCC should resolve the dispute between carriers. The FCC should step in to resolve a dispute only in those instances where the State commission lacks authority to address the issues raised by the carriers. As currently crafted, the FCC's proposal totally removes the State commission from this process, even if the slamming problems concern solely local service.

The States' primary focus throughout this process has been protecting consumers while facilitating the transition to competition. A State has the duty to ensure adequate consumer protection for all its residents, including companies which operate within its borders. Section 258 recognizes that the public interest is best served when the agency nearest the problem addresses and resolves the concerns raised by its citizens and authorized carriers.

**MDPSC COMMENTS; 9/15/97**

**pg 4**

Absent enforcement authority, a State commission may be left in the dark regarding the extent of the slamming problem and how carriers are resolving these problems. Furthermore, any agreement regarding liability ultimately will effect telephone subscribers and impact their charges. State commission involvement in the resolution of these disputes may be essential to achieving competition in the affected State.

Any action the FCC may take in this docket obviously will impact State efforts to address this issue. The MDPSC believes that Federal-State cooperation is essential to ensure that Federal and State policies work in concert to bring the benefits of competition to all subscribers and markets. The MDPSC urges the FCC to work with the States to develop solutions to these important consumer protection issues. In particular, the FCC should work closely with those

States who already have pursued solutions to the slamming problem. Their experiences could be invaluable to reaching a resolution of this frustrating, and ultimately anti-competitive, problem.

**MDPSC COMMENTS; 9/15/97**

**pg. 5**

### **III. CONCLUSION**

The MDPSC looks forward to continuing to work with the FCC to ensure that our mutual goal of protecting consumers during the difficult transition to competition is achieved. For the foregoing reasons, the MDPSC respectfully requests that the FCC incorporate into the final rule in this proceeding the position and suggestions discussed in these comments.

Respectfully submitted,

**Bryan G. Moorhouse**  
General Counsel

**Susan Stevens Miller**  
Assistant General Counsel

**Maryland Public Service Commission  
6 Saint Paul Street  
Baltimore, Maryland 21202  
(410) 767-8039**

94-129

DOCKET FILE COPY ORIGINAL

**From:** leon stewart <lstewart@ameritech.net>  
**To:** FCCMAIL.SMTPNLM("slamming@comments.fcc.gov")  
**Date:** 9/13/97 2:28pm  
**Subject:** slamming

The customer should have to submit a signed statement to his telephone provider approving any change of service providers.

Leon Stewart

RECEIVED

SEP 15 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

No. of Copies rec'd  
List ABCDE

2